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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,353	09/23/2005	Maarten Peter Bodlaender	NL 030276	1278

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

03/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,353

**Applicant(s)**

BODLANENDER ET AL.

**Examiner**

FRANKLIN S. ANDRAMUNO

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/23/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/23/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS-100)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 09/23/05

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 10-11 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kazami (US 2002/0033960 A1).

Regarding claims 1 and 10, Kazami discloses a user device and method of storing new content items (5) (**Image File in figure 1** in a memory unit (12) of a user device (1) capable of rendering said content items (**User interface (4) in figure 2**), the memory unit containing old content items (**Disused Image Establishing (5) in figure 4**), the method comprising the steps of: marking any old content items which may be deleted (**Monitoring Means (2) in figure 4**), determining a storage space required for each new content item to be stored, and deleting a marked content item only when necessary to release storage space for storing a new content item (**Automatic Deleting Means (6) in figure 4**), so as to fill the memory unit substantially to capacity (**page 2 paragraph (0021) lines 10-14**).

Regarding claim 2, Kazami discloses the method according to claim 1, wherein only as many marked content items are deleted as is necessary to store one new content item (**page 2 paragraph (0026)**)

Regarding claim 3, Kazami discloses the method according to claim 1, wherein the new content items to be stored are comprised in a first list (8), said first list preferably being compiled by a user (**page 1 paragraph (0017) lines 1-5**).

Regarding claim 4, Kazami discloses the method according to claim 3, wherein the first list (8) is uploaded to a server (2) for selecting the new contents items to be downloaded (**Image Files in figure 1**).

Regarding claim 5, Kazami discloses the method according to claim 1, wherein the new content items to be stored are downloaded (**Read Image data form high performance encoder (S5) in figure 8**) from a server (2) (**Still Picture Mode Switch (27) in figure 6**).

Regarding claim 6, Kazami discloses the method according to claim 1, wherein the marked old content items are comprised in a second list (9), which second list is preferably stored in the user device (1) (**Select Candidate for deletion of the motion picture (S8) in figure 8**).

Regarding claim 11, Kazami discloses a system (100) for transferring content items, the system comprising a server (2) for storing content items (**Recording Medium in figure 1**), at least one user device (1) according to claim 10 (**User Interface (4) in**

**figure 2)**, and transfer means (3) for transferring content items from the server to the user device **(Microprocessor (18) in figure 6)**.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US 2002/0033960 A1) in view of Chung (US 6,628,963 B1). Hereinafter referred as Chung and Kazami.

Regarding claim 7, Kazami discloses the method according to claim 1, wherein each content item (5) comprises a piece of music and/or a video clip **(Video signal processor (15) in figure 6. However, Kazami fails to teach the use of music for uploading and recording. Chung teaches on (figure 3) an MP3 audio section (62) used for recording into a CD-ROM Drive.**

Therefore, it would have been obvious at the time of the invention to include the use of a piece of music as the content to be included in the recording system. This is a useful combination because it allows music and video to be recorded automatically and deleted when needed.

Regarding claim 8, Chung discloses a software program executable on a processor for carrying out the method according to claim 1 (**CPU (24) in figure 3**).

Regarding claim 9, Chung discloses a data carrier comprising the software program according to claim 8 (**System ROM (28) in figure 3**).

Regarding claim 12, Chung discloses the system according to claim 11, wherein the transfer means (3) comprise the Internet (**column 2 lines 46-48**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623